

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
Civil No. 5:16-CV-161-RLV-DCK**

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|---|---|------------------------------------|
| MICHAEL FOSTER, RONALD |) | |
| BOUCHARD, and DENNIS FINK, |) | |
| individually and for all others similarly |) | |
| situated, |) | |
| |) | DEFENDANT LOWE’S COMPANIES, |
| Plaintiffs, |) | INC.’S CONSENT MOTION TO |
| |) | EXTEND TIME FOR FILING OF |
| |) | RESPONSIVE PLEADING |
| v. |) | |
| |) | |
| LOWE’S COMPANIES, INC., and NILOY |) | |
| INC. d/b/a DCT SYSTEMS, |) | |
| |) | |
| Defendants. | | |

Defendant Lowe’s Companies, Inc. (“Lowe’s”) hereby respectfully moves the Court, with Plaintiffs’ consent, for an Order extending by three weeks (until August 3, 2017) the time by which Lowe’s is to file a responsive pleading to the Second Amended Collective/Class Action Complaint of Plaintiffs Michael Foster, Ronald Bouchard, and Dennis Fink. In support of this Consent Motion, Lowe’s states the following:

1. On June 28, 2017, Plaintiffs filed an Unopposed Motion for Leave to Amend Their First Amended Complaint. (Document No. 40)
2. By order of June 29, 2017, the Court granted Plaintiffs’ Motion, with the Second Amended Collective/Class Action Complaint effectively filed on that date. (Document Nos. 41, 42). Thus Lowe’s responsive pleading is currently due July 13, 2017. That date has not yet passed.
3. In the meantime, the parties have renewed earnest global settlement discussions that would resolve this case and the companion case of Niloy, Inc. v. Lowe’s Companies, Inc., Case No. 5:16-cv-00029-RLV-DCK, in which Plaintiffs here have intervened.

5. The requested three-week extension would provide Lowe's with additional time for settlement negotiations without simultaneously incurring additional litigation costs. Plaintiffs have agreed to this Consent Motion.

WHEREFORE, Lowe's respectfully requests that the Court enter an Order extending the time by which Lowe's is to file a responsive pleading to August 3, 2017.

This 11th day of July 2017.

Respectfully submitted,

By: /s/ Ryan G. Rich

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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of July 2017, I caused a copy of the foregoing **DEFENDANT LOWE'S COMPANIES, INC.'S CONSENT MOTION TO EXTEND TIME FOR FILING OF RESPONSIVE PLEADING** to be electronically filed with the Clerk of Court using the CM/ECF system, which will send an electronic notification to all counsel of record.

/s/ Ryan G. Rich_____